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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,075

06/21/2006

Christoph Brabec

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5007

466

7590

09/29/2009

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

09/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,075	Applicant(s) BRABEC ET AL.	
	Examiner Jerome Grant II	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-06</u> . | 6) <input type="checkbox"/> Other: ____. |

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Detailed Action

1.

Informality

Remove all parenthetically expressions from the claims .

2.

Art Rejections

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itami (2004/0265715).

With respect claim 1, Itami teaches a device 1 for scanning a document (para. 108, line 2) and for storing the image comprising a document support (ADF described at para. 108; a reader (A- see para. 107 having a CCD described at para. 110) and a

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storage device (photoconductor 21) in that the storage device is a bistable device, said bistable components consisting of several alternating layers of organic material and electrodes. See para. 23, lines 16-25 and para. 25, lines 1-3.

Itami teaches all of the subject matter of the claim except for the use of electrodes in the bistable (organic material). The use of electrodes, however is inherent in that it is required to carry the charge from the charge generating layer or charge transport layer. Such electrodes may be formed of material described in para. 51 of the reference. Therefore, to one of ordinary skill in the art, it would have been obvious to use electrodes with organic photoconductive layers, to distribute the charge in a reading device as a matter of common knowledge.

With respect to claim 2, Itami teaches photodetectors (inherent in the CCD device, described at para. 110).

What is not clear is whether the two electrodes are disposed between the organic layers. The examiner submits that an arrangement of electrodes on or about the organic material would have been obvious and commonly recognized by one of ordinary skill in the art when considering the design of the photoconductive element.

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The exact position of the electrode would have been recognized by one of ordinary skill in the art as obvious to be disposed with the organic (bistable) material as a matter of design or common sense.

With respect to claim 3, Itami teaches using a lamp source that is described at para. 32 and para. 109. See the document illumination device (flash lamp).

However, an LED type source with electrodes disposed between the bistable layers is not addressed by Itami. It would have been obvious to one of ordinary skill in the art to replace an LED with bistable layers and two electrodes, in place of the lamp discussed by Itami for the purpose of illuminating a series of lamps discussed by Itami for the purpose of illuminating documents during a reading operation.

With respect to claim 4, Itami shows a reader (section A) positioned in alignment with the ADF (support) and coplanar in a vertical plane.

With respect to claim 5, Itami shows the storage device 21 positioned in alignment with reader (section A) and essentially coplanar to the reader (coplanar in the vertical plane).

With respect to claim 8, Itami teaches all of the subject matter upon which the claim depends except that the ADF does not appear to have a touch pad. However, the use of a touch pad is inherent since a touchpad is required to set the copying parameters and to initiate the copying operation. Whether the touchpad is on the document support

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9ADF) or on the reading section (A), it would have been within the level of ordinary skill in the art or a matter of common sense, to locate the touchpad with the document support. The choice of where to dispose the touch pad is a design choice and would have been obvious to place it in a convenient location for the user which may or may not include where the document is supported.

3.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itami in view of Fery (2005/0264494).

With respect to claim 6, Itami teaches all of the subject matter upon which the claim depends, except for the display device as claimed. Fery teaches a display panel with photoconductive bistable elements, see para. 54. Fery teaches two electrodes X(p) and Y(n) that are between layers of bistable element B9np). See also para. 36. Therefore, since, Itami inherently uses a panel to control the copying operation, it would have been obvious to one of ordinary skill in the art. to substitute the display panel of Frey in place of the panel inherent in Itami, for the purpose of controlling the copying function via the apparatus shown by figure 3 of Itami for controlling the scanning and reproduction of a document.

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With respect to claim 7, while a display element is inherent, it is not clear what plane the display device is in with respect to the storage device. However, as a matter of optimizing ergonomics, one of ordinary skill in the art of designing copying and xerography machines, would have known to place the display device in one of many positions which may include being coplanar or not with respect to the storage device. It would have been obvious to design the device of Itami to place the display in the manner empirically found to be the best mode for enabling the user which may include a coplanar arrangement with the storage device.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerome Grant II/

Primary Examiner, Art Unit 2625